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UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

KELSEY CASCADIA ROSE JULIANA, et al., Case No. 6:15-cv-01517-AA
Plaintiffs,

v.

UNITED STATES OF AMERICA, et al.,
Defendants.

**DEFENDANTS' RESPONSE TO
PLAINTIFFS' NOTICE OF
SUPPLEMENTAL AUTHORITY RE:
MOTION FOR LEAVE TO FILE A
SECOND AMENDED COMPLAINT
AND TO LIFT THE STAY**

(ECF No. 538)

Plaintiffs submit *Zukerman v. Charles Krause Reporting, LLC*, 64 F.4th 1354 (D.C. Cir. 2023), as supplemental authority in support of their Motion for Leave to File a Second Amended Complaint, ECF No. 462. Relying on *Zukerman*, they contend that a declaratory judgment in this case would provide effective relief because it would “ensure that the United States, et al. cannot engage in similar unconstitutional conduct towards these youth plaintiffs or anyone else in the future.” *Id.* at 2-3 (cleaned up). But the Ninth Circuit in this case has already rejected Plaintiffs’ contention that a declaratory judgment alone could confer a meaningful remedy, and that holding

is binding here. *Juliana v. United States*, 947 F.3d 1159, 1170 (9th Cir. 2020). Moreover, the Ninth Circuit held that any meaningful injunctive relief in this case would be beyond the remedial powers of a district court. *Id.* at 1171. *Zukerman* does not alter the law of the case in this civil action, and it provides no basis for ignoring the Ninth Circuit's mandate.

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